

DEPARTMENT OF THE NAVY
Office of the Secretary
Washington, DC 20350-1000

SECNAVINST 1520.7E
Pers-602C
20 April 1992

SECNAV INSTRUCTION 1520.7E

From: Secretary of the Navy
To: All Ships and Stations

Subj: LAW EDUCATION PROGRAM

Ref: (a) Title 10, United States Code
(b) DOD Directive 1322.12 of
12 Apr 74, Funded Legal Educa-
tion (NOTAL)
(c) SECNAVINST 5370.2J
(d) SECNAVINST 1120.5A (NOTAL)
(e) SECNAVINST 1210.5A
(f) SECNAVINST 1920.6A

Encl: (1) Law Education Program Guidance
(2) Law Education Program Brief
Sheet

1. **Purpose.** To establish policies and procedures for the Law Education Program (LEP) for the Department of the Navy, under section 2004 of reference (a) and reference (b). This instruction is a complete revision and should be reviewed in its entirety.

2. **Cancellation.** SECNAVINST 1520.7D.

3. **Applicability.** The provisions of this instruction apply to all officers on the active duty list of the Navy and Marine Corps and all Navy Training and Administration of Reserves (TAR) and Marine Corps Full Time Support (FTS) officers (except officers in the Medical, Dental and Nurse Corps). Detailed program guidance is included in enclosures (1) and (2).

4. **Policy.** In meeting the needs of the Navy and Marine Corps for career force judge advocates, it is Department of the Navy policy to use the Law Education Program to attract career-oriented commissioned officers, distributed among year groups, to serve as judge advocates by providing an opportunity to obtain fully funded legal education. The following conditions pertain:

a. Law schools attended must be accredited by the American Bar Association (ABA).

b. Program participants must complete their Bachelor of Laws or Juris Doctor Degree within 36 months.

c. No agreement detailing an officer to law school may be implemented during a period in which the President has been authorized to induct persons into the armed forces involuntarily. During such periods, judge advocates will be identified through other sources. Agreements in effect at such time will not be voided by nature of induction authority.

d. No more than 25 officers in the Department of the Navy may begin law school in a single fiscal year.

5. **Eligibility.** All Department of the Navy candidates for LEP must meet conditions in subparagraphs a. through e. below, which are established by references (a) and (b) and cannot be waived, upon commencement of legal studies under orders to LEP.

a. Education. Hold a baccalaureate degree from an accredited institution.

b. Paygrade. Be an O-1, O-2, or O-3.

c. Service Requirements. Hold United States citizenship and be serving on active duty as a commissioned officer on the active duty list, or on active duty for duty with the Training and Administration of Reserves (TAR Program) or Marine Corps Full Time Support (FTS) officers.

d. Have served on active duty for a period of not less than 2 years and not more than 6 years (in officer and/or enlisted status).

e. Be able to complete 20 years of active service as a commissioned officer before their 55th birthday.

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f. Medical, Dental and Nurse Corps officers are ineligible.

g. Marine Corps Reserve Officers. Marine Corps reserve officers must apply for, and be offered, career status (Extended Duty Reserve (EDR) standard written agreements (SWAG) (5 year)) with sufficient service remaining for the period of school or Regular commissions prior to being considered by the LEP selection board.

h. Nuclear-Power Trained Officers. Naval officers who are nuclear-power trained and have received special pay for such qualification must substantially fulfill the service requirements for nuclear training prior to becoming eligible for LEP. See MILPERSMAN 1020150.

6. Responsibilities

a. Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN(M&RA)) approves the annual quotas for the Law Education Program on advice of the Judge Advocate General.

b. Chief of Naval Personnel

(1) Establishes policy for the Law Education Program.

(2) Serves as resource sponsor.

c. Commandant of the Marine Corps manages the Law Education Program for the Marine Corps, including:

(1) Recommends to the Judge Advocate General, by 1 February each year, the number of Marine Corps officers to be selected.

(2) Receives applications, conducts initial screening, and acts on requests to take the Law School Admission Test after the 1 May application deadline.

(3) Prepares all material for the selection board.

(4) Writes the board precept, convenes selection board, gives final approval and maintains permanent records of board actions, and notifies candidates of their status.

(5) Prepares service agreements for signature, selects law schools, notifies selectees of their schools, acts on requests to attend school on an accelerated or decelerated basis, assigns appropriate designator, and details selectees.

(6) Monitors program participants at law school, determines summer assignments, acts on requests for outside employment, and administers procedures to drop members from the program.

(7) Recommends to the Judge Advocate General, the certification of those Marine Corps officers considered qualified to perform duties as trial and defense counsel of general courts-martial.

(8) Publicizes the program in the Marine Corps.

d. Judge Advocate General

(1) Recommends to the ASN(M&RA), by 1 February each year, the Law Education Program yearly quota for the Department of the Navy.

(2) Informs the Chief of Naval Personnel (Pers-602C), Commandant of the Marine Corps, and the Superintendent, Naval Postgraduate School, of the approved quota.

(3) In coordination with Naval Postgraduate School, selects law schools for Navy officers.

(4) Determines summer assignments in coordination with commands and Bureau of Naval Personnel (Pers-4). In addition, acts on requests for outside employment and administers procedures to drop members from the program.

(5) Certifies those Department of the Navy officers considered qualified to perform duties as trial and defense counsel of general courts-martial and designates Marine Corps officers so certified as judge advocates.

e. Deputy Chief of Naval Personnel
(Pers-00B)

(1) Approves selection board precept, convenes the selection board, and approves the final report.

(2) Provides administrative support to the board.

(3) Details naval officer selectees to law school and to summer assignments.

(4) Initiates designator change to 250X for naval officer participants.

f. Assistant Chief of Naval Personnel,
Personal Readiness and Community Support
(Pers-6)

(1) Manages the Law Education Program for the Navy.

(2) Screens all Navy applicants and acts on requests to take the Law School Admission Test after the 1 February application deadline.

(3) Counsels and advises all Navy applicants.

(4) Prepares all material for the selection board.

(5) Acts as board sponsor, technical advisor, and retains all permanent records of board actions.

(6) Notifies candidates of their status, prepares service agreements for signature, and acts on any requests to attend law school on an accelerated or decelerated basis.

(7) Monitors performance of program participants at law school.

(8) Publicizes the program throughout the Navy.

7. **Form.** NAVCRUIT 1100/13, Interviewer's Appraisal Sheet, S/N 0114-LF-011-0065, may be obtained through the Navy Supply System or by contacting the Judge Advocate General (Code 61.4).

DAN HOWARD
Secretary of the Navy
(Acting)

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LAW EDUCATION PROGRAM GUIDANCE

1. Application Procedures. Eligible officers who desire to apply for the Law Education Program must submit a letter request via their commanding officer. Letters must reach the Bureau of Naval Personnel (Pers-602C) prior to 1 February, or the Commandant of the Marine Corps (Code MMOA) prior to 1 May of the fiscal year in which the applicant desires to begin law school. Message applications are unacceptable. Application letters shall follow standard Department of the Navy correspondence format and include the following:

a. Names of all colleges attended and date baccalaureate (or any other degree) was received. State class standing, if known, and cumulative grade point average. Enclose copies of all college transcripts.

b. Active Duty Base Date (ADBD). ADBD is the date computed to represent the date when all service on active duty in any of the U.S. Armed Forces, or in a Regular or Reserve component, would have commenced if it were continuous to the present.

c. A statement of legal education completed and any legal training/experience gained in civilian and/or military life.

d. A prioritized list of American Bar Associated accredited law schools in the United States to which the applicant has applied. Applicants are encouraged to apply to more than one school. Applicants must apply to at least one law school in which in-state tuition fees can be obtained and one school near the officer's current duty station. Note: Navy officers may provide letters of acceptance as received. Marine Corps officers are required to obtain and submit law school acceptance verification with their application.

e. The date the Law School Admission Test (LSAT) was taken and enclose a copy of the score report. Applicants must take the LSAT at their own expense prior to submitting an application. Waivers to this requirement will be considered by Pers-602C or the Commandant of the Marine Corps on an individual basis. All LSAT scores must be submitted and received prior to convening of the selection board. The LSAT is administered by the Law School Admission Service, Box 2000, Newton, Pennsylvania 18940, in February, June, October, and December.

f. A statement of 500 words or less indicating the steps the applicant has taken to learn about a career as a member of the Judge Advocate General Corps or as a Marine Corps Judge Advocate and the reasons for seeking such a career.

g. Prior to submitting an application, naval officers shall be interviewed by a senior (O-5 or O-6) active duty officer in the Judge Advocate General Corps, and Marine Corps officers shall be interviewed by a senior (O-5 or O-6) Marine Corps Judge Advocate.

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Candidates shall refer to this interview and identify their interviewer in their application letter. Only the most recent interview will be placed before the selection board.

2. Other Requirements

a. Navy. Appraisals of Navy candidates will be documented by the interviewer using an Interviewer's Appraisal Sheet (NAVCRUIT Form 1100/13). Completed forms must be forwarded by the interviewer to Pers-602C, with a copy to the Judge Advocate General (Code 61.4).

b. Marine Corps. A letter of recommendation from the interviewer is required for Marine Corps officers. Letters will be forwarded to the Commandant of the Marine Corps (Code MMOA).

c. All candidates may submit copies of their most recent fitness report or awards which are not yet in their official service record.

d. Letters of recommendation will neither be considered nor placed before the selection board for either service.

3. Criteria for Selection of Law School. The Judge Advocate General approves the law school to be attended by naval officers. The Commandant of the Marine Corps approves the law school for Marine Corps officers. The following criteria pertain:

a. The rigor and recognized reputation of the school are a fundamental consideration and may outweigh all other elements.

b. Cost of tuition and fees, including the possibility for reduced tuition based on in-state tuition rates.

c. Change of duty station entitlement and proximity of the school to the officer's current duty station.

d. Opportunities for a full-time, year-round academic study.

e. The availability of military supervision, administrative support, and summer Navy/Marine Corps legal training in the area of the desired school.

4. Selection Procedures and Criteria

a. The Chief of Naval Personnel and the Commandant of the Marine Corps will convene separate LEP selection boards annually. Selection board membership consists of the following:

(1) Navy. Active duty list officers. The majority must be in the Judge Advocate General Corps and at least one must be an O-6.

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(2) Marine Corps. Active duty list officers. At least two must be Judge Advocates and at least one must be an O-6.

b. Board members shall select those program participants best qualified for selection for the Law Education Program and appointed in the Judge Advocate General Corps or designation as a Marine Corps Judge Advocate, as appropriate, based on the following:

- (1) completeness and quality of the application
- (2) command endorsement
- (3) quality of academic and military records
- (4) LSAT score
- (5) interview results

5. Assignment

a. Selectees will not be assigned to a law school until they execute the service agreement prepared by Pers-602C or the Commandant of the Marine Corps, as appropriate.

b. Selectees will be assigned for administrative purposes to a Navy or Marine Corps activity near the law school to be attended, in the status of duty under instruction. They will be eligible for all pay and allowances appropriate to their grade and length of service. Hazardous duty pay, special pay (e.g., sea pay) and incentive pay (e.g., flight pay) to which the officer may be entitled, by virtue of special qualification or prior duty assignment, is subject to termination upon reporting to law school. Service obligations which accrued as a result of participation in the Law Education Program are computed in accordance with applicable rules and regulations and are in addition to any obligation incurred as a result of participation in the Law Education Program.

c. Mandatory tuition and fees will be paid by the Department of the Navy. Up to \$150 will be provided annually for required textbooks, and up to \$1500 will be paid for one bar examination review course.

d. Pers-6 and the Commandant of the Marine Corps shall prescribe procedures in the service agreement for the submission of semester and final transcripts and evidence of admission to the bar.

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e. Participants may not engage in outside paid employment unless Pers-6 or the Commandant of the Marine Corps (with the approval of the Judge Advocate General) grants a waiver. The only acceptable rationale is if such employment would enhance the program participants' professional qualifications or performance, and is permitted under applicable laws and reference (c).

f. At the discretion of the Judge Advocate General or the Commandant of the Marine Corps, program participants will be required to attend either summer school or accept assignment to a legal office during summer vacation periods. To the extent possible, legal office duty shall involve legal or paralegal tasks consistent with the training and experience of the officer. It will be performed at a command as close to the program participants' law school as possible. The Chief of Naval Personnel (Pers-4) or the Commandant of the Marine Corps will provide necessary funds and issue temporary additional duty orders for summer military duty.

6. Appointment, Designation, and Service Requirements

a. Navy selectees will be appointed to the Judge Advocate General Corps under reference (d). Naval Reserve selectees will be required, under reference (e), to accept an appointment as a Regular officer, if tendered. Naval officers will accept transfer orders and be detailed as judge advocates when they complete law school. They will then attend the Military Lawyer course at the Naval Justice School, Newport, Rhode Island, and take steps to be admitted to the practice of law. Completing these requirements, they shall be certified by the Judge Advocate General as qualified and competent to perform duties as trial and defense counsel for general courts-martial.

b. Marine Corps selectees shall be designated as student judge advocates (4401) without a change in Regular or Reserve status, grade, date of rank, service in grade for promotion eligibility, or position on the active duty list or promotion list. Upon successful completion of law school and the Military Lawyer course at the Naval Justice School, and admission to the practice of law as described in paragraph 6d, they shall be certified by the Judge Advocate General, (upon the recommendation of the Commandant of the Marine Corps Code JA), as qualified and competent to perform duties as trial and defense counsel of general courts-martial and designated as judge advocates (4402). In such capacity, they will accept transfer or detail as judge advocates.

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c. All program participants will serve on active duty following completion of the program for 2 years (24 months) for each year (12 months) or any part thereof, of legal training in the program. "Training in the Program" commences as of the date of reporting for duty under instruction, at the unit to which the officer is assigned while attending law school, and terminates on the earliest of the following dates:

(1) admission to the practice of law before a Federal court or the highest court of a State, a U.S. Territory, the Commonwealth of Puerto Rico, or the District of Columbia;

(2) detachment from duty under instruction; or

(3) conferral of a law degree.

The active-duty service obligation commences on the day following the date an officer's training terminates. The obligation and time spent in law school are in addition to any other remaining service obligation (i.e., U.S. Naval Academy, Officer Candidate School, or Naval Reserve Officer Training Corps) incurred by the officer under any other provisions of law or by agreement. The obligation for additional service is not met while a program participant is attending law school. Time spent during summer vacation, under orders at a legal office or in a leave status is counted as time "in the Law Education Program" and counts on a day-for-day basis toward obligated service accrued prior to entering the program.

d. An officer will make prompt application for admission to the practice of law upon completion of law school. Application will be made before a Federal court, or the highest court of a State, the District of Columbia, a U.S. Territory or the Commonwealth of Puerto Rico. The court selected must have jurisdiction over (1) the site of the law school attended, (2) the officer's domicile, or (3) with the approval of the Judge Advocate General, any other place in which the officer may be eligible to seek admission to the practice of law. If a bar examination is required in the jurisdiction for which he or she is seeking admission, the officer will take the first bar examination after receipt of the law degree. In the event the officer fails the first bar examination, he or she will take the next examination at his or her own expense. When the officer passes the bar, he or she will make prompt arrangements (at no cost to the government) to proceed to, and be admitted to the practice of law before a Federal court, the highest court of a State, the District of Columbia, a U.S. Territory or the Commonwealth of Puerto Rico. In the event that an officer fails to be admitted to the practice of law within 1 year from the date of graduation from law school or fails to successfully complete the Military Lawyer course at the Naval Justice School,

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that officer will serve, unless sooner separated under reference (f), the period of obligated active duty service, computed in paragraph 6c, in that officer's former designator or military occupational specialty (MOS), in addition to any service obligation incurred by that individual under any other provisions of law or agreement.

7. Termination

a. Prior to graduation, an officer may be dropped from the program for deficiency in academic performance, abandonment of the study, or other good cause.

(1) Abandonment of the study shall include, but not be limited to, voluntary disenrollment from law school.

(2) Deficiency in academic performance shall include, but not be limited to, suspension or expulsion from law school, receipt of one or more failing grades, placement on academic probation, or failure to graduate within 3 years of admission to law school.

(3) Deficiency in conduct shall include, but not be limited to, criminal conviction by court-martial or civilian tribunal, receipt of nonjudicial punishment, a finding of misconduct or substandard performance of duty before an administrative separation board or commission of such behavior, recognized as inconsistent with either the high standards of conduct for officers or the ethical standards of the legal profession.

b. While still in law school, the officer shall be notified in writing, of the grounds upon which he or she is being considered for termination and shall be afforded an opportunity to make a written reply. Such reply, if made, shall be considered by the Judge Advocate General or the Commandant of the Marine Corps, in determining whether the officer should be dropped from the program. The grounds for the final decision shall be set forth in writing and a copy provided to the officer.

c. An officer dropped from the program will incur, unless sooner separated under reference (f), a 1 year active duty service obligation in that officer's former military occupational specialty (MOS) or designator, for each year (12 months) or any part thereof of his or her training in the Law Education Program computed as described in paragraph 6c, not to exceed 3 years. This is in addition to any other service obligation incurred by the officer.

d. Under Section 2005 of reference (a), an officer who, voluntarily or because of misconduct, fails to complete the period of active duty incurred, will reimburse the United States Treasury in an amount that bears the same ratio to the total cost of law school provided the officer, as the unserved portion of

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active duty bears to the total period of active duty the officer has agreed to serve. The cost of education for the program includes all monies paid under paragraph 5c.

8. Form. NAVCRUIT 1100/13, Interviewer's Appraisal Sheet, S/N 0114-LF-011-0065, may be obtained through the Navy Supply System or by contacting the Judge Advocate General (Code 61.4).

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For Your INFORMATION

LAW EDUCATION PROGRAM BRIEF SHEET

The Law Education Program provides for a maximum of 25 Navy and Marine Corps officers to enter law school annually, to earn the degree of bachelor of laws or juris doctor and then to serve as career judge advocates. Applicants must be on active duty as commissioned officers, be college graduates, and be in pay grade O-1, O-2 or O-3, with 2 to 6 years' active service (including any active enlisted time) as of the time of proposed entry into law school. Applicants must also be able to complete 20 years of active service as a commissioned officer in grades W-2 or above before their 55th birthday. Applicants must have taken the Law School Admission Test and have applied to an ABA-accredited law school. Annually, applications must reach the Chief of Naval Personnel (Pers-602C) by 1 February (Navy) or the Commandant of the Marine Corps (Code MMOA) by 1 May (Marines). Obligated service is 2 full years for each full year or any part thereof in the program, in addition to any other obligation which the individual has incurred. Applicants are encouraged to apply to as many law schools as desired, including at least one in which "in-state" tuition fees can be obtained. Applicants must be interviewed by a judge advocate and state their reasons for seeking a career as a judge advocate.

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Enclosure (2)

DISPLAY ON BULLETIN BOARD AND PUBLISH AS APPROPRIATE, THEN DESTROY. INCLUSION IN THE PLAN OF THE DAY IS RECOMMENDED. USE OF THIS INFORMATION BY NAVY BROADCASTING SERVICE/AFRT OUTLETS ASHORE AND BY SITE TELEVISION OPERATORS AFLOAT IS STRONGLY ENCOURAGED.